

11/17/97
1996 US PTO

IN THE UNITED STATES PATENT AND TRADEMARK

OFFICE

REQUEST FOR FILE WRAPPER CONTINUING APPLICATION UNDER 37 CFR 1.62

(RULE 62)

For Design or Utility Applications

BOX FWC

The Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Prior Application: 08/607,485

Group Art Unit: 1818

Examiner: M.P. Allen

Atty Dkt: 241801/

new M#/Client Ref.

(Our Deposit Account No. 03-3975

(Our Order No. 20263/241801

, a C# / new M#

Date: November 17, 1997

Sir:

This is a RULE 62 REQUEST for filing from
prior copending parent Application No. 08/607,485

series code ↑ ↑ serial no.

divisional
 continuation (Exr. NOTE: any election in parent as to species/restriction requirement:
 is carried over with traverse is not carried over)
 continuation-in-part without new Declaration (Rule 62(d)) without fee
 continuation-in-part (with new Declaration attached hereto)

The parent was filed on February 27, 1996, entitled GDF-1.

by the following named inventor(s) who is/are the same as, less than all of (see Item 17),

more than (for CIP only), those named in that parent application:

| | | | |
|---|---|-----------------------|------------------------|
| (1) Inventor | Se-Jin | LEE | Family Name |
| First | Middle Initial | State/Foreign Country | Country of Citizenship |
| Residence | Baltimore, Maryland | Maryland, USA | USA |
| Post Office Address (include Zip Code) | 2509A Steele Road, Baltimore, Maryland 21209 | | |
| (2) Inventor | First | Middle Initial | Family Name |
| Residence | City | State/Foreign Country | Country of Citizenship |
| Post Office Address (include Zip Code) | | | |
| (3) Inventor | First | Middle Initial | Family Name |
| Residence | City | State/Foreign Country | Country of Citizenship |
| Post Office Address (include Zip Code) | | | |
| (4) Inventor | First | Middle Initial | Family Name |
| Residence | City | State/Foreign Country | Country of Citizenship |
| Post Office Address (include Zip Code) | | | |
| (5) Inventor | First | Middle Initial | Family Name |
| Residence | City | State/Foreign Country | Country of Citizenship |
| Post Office Address (include Zip Code) | | | |

NOTE: FOR ADDITIONAL INVENTORS, check box and attach sheet (CDC-110A) with same information with
same information for each inventor starting with inventor No. 6 and number new page 1A.

1. **Requirement of Rule 62:** Rule 62 filings are to be used only when the issue fee has not been paid (except as noted below) in the above-identified prior application nor that application abandoned or its proceedings terminated. This Rule 62 filing will be considered by the PTO as an express abandonment of that prior application except when this Rule 62 filing is pursuant to Rule 313(b)(5), i.e., when the issue has been paid in the prior application and a petition filed to abandon that application to permit an IDS to be considered in this Rule 62 application. (Note: 37 CFR 1.53 (Rule 53) may be used for continuations and divisions where the prior application is not to be abandoned.)

2. The issue fee has been paid in the parent, but this Rule 62 Request follows a Rule 313(b)(5) petition, and per 1138 OG 40 waiver is respectively requested of that part of Rule 62 which prohibits use of the rules to file an FWC after payment of the issue fee.

3. Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of: _____ (country)

| <u>Application No.</u> | <u>Filing Date</u> | <u>Application No.</u> | <u>Filing Date</u> |
|------------------------|--------------------|------------------------|--------------------|
| (1) _____ | _____ | (4) _____ | _____ |
| (2) _____ | _____ | (5) _____ | _____ |
| (3) _____ | _____ | (6) _____ | _____ |

a. _____ (No.) Certified copy/copies attached.

b. Certified copy/copies previously filed on _____ in prior U.S. Application No. _____ / _____, filed on _____

series code ⇧ ⇧ serial no.

c. Certified copy/copies filed during International stage of PCT/ _____ / _____

d. Priority is also claimed from PCT/ _____ / _____ filed _____

4. The prior application is assigned of record to Carnegie Institute of Washington by Assignment recorded January 16, 1991 Reel 5582 Frame 797.

5. Attached is an assignment Cover Sheet.
Please return the recorded Assignment to the undersigned.

6. The power of attorney in the prior application is to Paul N. Kokulis, Reg. No. 16,773
CUSHMAN DARBY & CUSHMAN IP GROUP OF PILLSBURY MADISON & SUTRO LLP
(Name, Reg. No.) ⇧

7. Recognize as associate attorney _____

(Name and Reg. No.; Address as in item 8 unless otherwise indicated) ⇧

8. **Address all future communications to Cushman Darby & Cushman, Intellectual Property Group of Pillsbury Madison & Sutro LLP, Ninth Floor, East Tower 1100 New York Avenue, N.W., Washington, D.C. 20005-3918**

9. Amend the specification by inserting before the first line (in place of any comparable insert previously requested in any prior application) the sentence: This is a

continuation-in-part (CIP) continuation division

of application No. 08/607,485, filed on February 27, 1996, which was

series code ⇧ ⇧ serial no.

abandoned upon the filing hereof, which is a division of Serial No. 08/583,491, filed January 5, 1996,
now abandoned, which is a continuation of Serial No. 08/316,456, filed October 3, 1994, now
abandoned, which is a continuation of Serial No. 08/900,002, filed July 12, 1993, now abandoned, which
is a continuation of Serial No. 07/614,452, filed November 16, 1990, now abandoned, which is a
continuation-in-part of Serial No. 07/538,372, filed June 15, 1990, now abandoned.

10. 1 (No.) Verified Statement(s) establishing "small entity" status under Rules 9 and 27

a. filed in above prior application (and hence applicable hereto)
b. attached.

11. **Requirement of Rule 62:** It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

12. Petition to extend the life of the above prior application to at least the date hereof

NOTE: (One box) is being concurrently filed in that prior application (Use Form CDC-111).
(must be) was previously filed in that prior application (Check length of prior extension).
(X'd) is not necessary for copendency (Double check before X'ing this box).

13. Please enter the amendment previously filed on _____
 but unentered in the above prior application.

14. Attached: _____ sheet(s) per set of drawing of Fig(s)
 1 set informal; formal of size: A4 11"

15. **PRELIMINARY AMENDMENT** to be entered before fee calculation (Do not make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do not cancel all claims.):

16. Attached is a Rule 103(a) Petition to suspend action

17. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this Rule 62 application:

1. _____
 3. _____

2. _____
 4. _____

18. This Rule 62 application is a continuation-in-part which discloses and claims additional matter and the amendments in attached Amendment are to be considered an integral part of the CIP ab initio.
 a. New Declaration is attached.
 b. This application is also filed under Rule 62(d) (without a Declaration) and hence filng fee is not enclosed.
FILING FEE

THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS
EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 13 AND 15 ABOVE

| | | <u>Large/Small Entity</u> | | <u>Fee Code</u> |
|--|---|---------------------------|----------------------------|-----------------|
| 19. Basic Filing Fee | Design Application | \$330/\$165 | | 106/26 |
| | Not Design Application | \$790/\$395 | +395 | 101/201 |
| 20. | | | | 103/203 |
| 21. Total Effective Claims | 7 minus 20 = 0 | x \$22/\$11 | +0 | |
| | (Base this on claims as amended to effect CIP if this is a Rule 62(d) completion) | | | |
| 22. Independent Claims | 2 minus 3 = 0 | x \$82/\$41 | +0 | 102/202 |
| 23. If any proper multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application) | | \$270/\$135 | +0 | 104/204 |
| 24. | | TOTAL FILING FEE = | \$395 | |
| 25. If "assignment" box 5 is X'd, add recording fee. | \$40 | + | 581 | |
| 26. If "petition" box 16 above is X'd, add petition fee. | \$130 | +130 | 122 | |
| 27. | FEE ATTACHED = | | \$525 | |
| | | | (carry forward to line 36) | |

28. Preliminary Amendment attached (to be entered after assigning Appln. No.).
 (Do NOT X box 28 or 29 for CIP Amendment. See box 18)

29. The following PRELIMINARY AMENDMENT is to be entered after assigning Appln. No.:

30. ATTACHED:
 PRELIMINARY AMENDMENT and REQUEST FOR SUSPENSION OF ACTION

**ADDITIONAL FEE CALCULATION FOR
 PRELIMINARY AMENDMENT
PER BOXES 28/29**

| | Claims remaining after amendment | Highest number previously paid for | Present Extra | Additional Fee | |
|-----|---|---|---------------------------------|----------------------------------|----------------------|
| | | | | <u>Large/Small Entity</u> | <u>File Code</u> |
| 32. | Total Effective Claims <u>9</u> | minus ** <u>20</u> | = * <u>0</u> | x \$22/\$11 = \$ <u>0</u> | (103/203) |
| 33. | Independent Claims <u>2</u> | minus *** <u>3</u> | = * <u>0</u> | x \$82/\$41 = + <u>0</u> | (102/202) |
| 34. | If amendment enters proper multiple dependent claim(s) into this application for the first time, add \$270/\$135(per application) | | | + <u>0</u> | (104/204) |
| 35. | | | | ADDITIONAL FEE | <u>\$ 0</u> |
| 36. | | | plus FEE from item 27 on page 3 | | + <u>525</u> |
| 37. | | | | <u>TOTAL FEE ATTACHED</u> | <u>\$ 525</u> |
| 38. | *If the entry in the first space is less than an entry in the middle space, the "Present Extra" result is "0" | | | | |
| 39. | **If the "Highest number previously paid for" (see item 21 above) is less than 20, write "20" in this space | | | | |
| 40. | If the "Highest number previously paid for" (see item 22 above) is less than 3, write "3" in this space | | | | |

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

1100 New York Avenue, N.W.
 Ninth Floor East Tower
 Washington, D.C. 20005-3918
 Tel: (202) 861-3000
 PNK/ms

**Cushman Darby & Cushman
 Intellectual Property Group of
 Pillsbury Madison & Sutro LLP**

By: Atty: Paul N. Kokulis

Sig: Paul N. Kokulis

Reg. No. 16,773

Fax: (202) 822-0944
 Tel: (202) 861-3503

NOTE: No: 1: File this Request in duplicate with 2 postcard receipts (CDC-103) & attachments
NOTE: No: 2: Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 12 above.